GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Energy Department - Filing of a defamation suit on the Managing Director, Editor, Printer & Publisher, Journalists responsible for publishing the adverse, libellous, scandalous, untruthful, unfounded, per se defamatory, derogatory news in Eenadu Main Newspaper on 09-03-2023 on its front page as a banner news item with the caption 'BOGGU TENDER ADANI KE' (బొగ్గు టెండరూ ఆదానీకే) – Sanction of State Government to launch criminal prosecution for defamation under Section 199(2) of Cr.P.C. – Accorded - Orders – Issued.

ENERGY (POWER-I) DEPARTMENT

G.O.Rt.No.75 **Dated:19.07.2023**

Read the following:-

1. News Item published in Eenadu Main Newspaper dt:09.03.2023.
2. G.O.Rt.No.938, G.A. (Poll.D) Department, dt:20.02.2007.
3. G.O.Rt.No.2430, G.A. (I&PR) Department, dt:30.10.2019.
4. Letter dt:13.03.2023 addressed to the State Public Prosecutor, High Court of Andhra Pradesh, Amaravati.
5. Notice dated: .03.2023 given by the State Public Prosecutor, High Court of Andhra Pradesh, Amaravati.

-:0:-

O R D E R:-

In the reference 1st read above, defamatory news item has been published in the Eenadu Newspaper with the caption **"**బొగ్గు టెండరూ ఆదానీకే BOGGU TENDER ADANI KE**"** in headlines published on 09-03-2023, which is libelous, scandalous, untruthful, unfounded, *per se* defamatory, derogatory news. It was alleged in the said newspaper that, GENCO had invited tenders for the purchase of the coal from the foreign markets and accordingly the Adani group submitted the tender and stood as the successful bidder for the purchase of the coal at the rate of Rs. 13,100/Ton and decided to purchase the coal from Adani group at a premium of 162% though the increased GCV value is less compared to the selling price. Further alleged that, the Government has decided to entrust the management of Krishnapatnam Thermal Plant to the Adani Group for their unwanted gains.

2. The news article published on 09-03-2023 in Eenadu Telugu Daily Newspaper is factually incorrect and it leads to misconception in the minds of the public and it has failed to present the true facts with regard to the incident happened, despite being aware of the fact that, APPDCL issued a tender notification inviting tenders for the purchase of 7.5 lakh tonnes of coal from foreign markets for the Krishnapatnam Thermal plant and accordingly bids were submitted and Adani Group stood as successful bidder to supply the coal at Rs.13,219.24 per ton. APPDCL has stated

that that the consumption of foreign coal will save electricity worth crores and further stated that to adjust the electricity demand in the state, the DISCOMs are purchasing power at the rate of Rs.8.20 per unit from the open market, but however if the imported coal is utilized, an additional 1,776 million units (MU) of electricity will be generated in the Krishnapatnam thermal plant.

3. Further, the newspaper contains several false allegations and statements and is based on a wholly erroneous understanding and interpretation of the facts relating to the incident, which has caused enormous prejudice to the Government and damaged the reputation and integrity in the eyes of public. After considering the above facts, it is evident that a deliberate act to tarnish the image of the Government by publishing false news article which read as whole is *per se* defamatory in nature, and the same was published without factually ascertaining the truth before publishing the same.

4. After having examined the matter with reference to above mentioned subject matter and with reference to the orders issued in G.O.2nd and 3rd read above, wherein powers have been delegated to the Secretaries of respective department to issue rejoinders, file complaints and lodge appropriate cases, under sub section (4) of section 199 Cr.P.C., if need be, through Public Prosecutor against defamatory news items published/telecast/ posted in print/electronic/social media pertaining to their respective Departments after following due procedure, Legal action is being taken against the concerned .

5. Accordingly, vide reference 4th read above, the State Public Prosecutor, High Court of AP, Guntur District was authorised to issue Legal Notice against the concerned. The State Public Prosecutor has issued a Notice to the parties therein vide reference 5th read above.

6. After careful examination of the matter and all the facts and circumstances of the case, the said news item containing the allegations under the above said caption against the Energy dept/APGENCO, whose reputation is paramount, and the said news article is intended to harm and besmirch the fair name and reputation of the Andhra Pradesh Energy Department and the concerned Government Officials. It is just and necessary to launch necessary criminal prosecution against the Managing Director of Eenadu Telugu Daily Newspaper and the concerned Editor and other persons responsible for selection of the news article and publishing the same in the above referred Newspaper.

7. In exercise of the powers conferred under section 199(4) of Cr.P.C, 1973, sanction is hereby accorded to launch criminal prosecution for defamation u/s. 199(2) against the Managing Director, Editor, Printer & Publisher, Journalists responsible for selection and contribution of the same, in view of the libellous, candalous, untruthful, unfounded, per se defamatory, derogatory nature of the news item published in

Eenadu Telugu Daily Newspaper dt:09-03-2023 on its front page as a banner news item with the caption **"**బొగ్గు టెండరూ ఆదానీకే BOGGU TENDER ADANI KE**''**.

8. The State Public Prosecutor, High Court of Andhra Pradesh shall take immediate further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K. VIJAYANAND
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The State Public Prosecutor, High Court of Andhra Pradesh, Amaravati.
Copy to:
The Managing Director, APGENCO, Vijayawada.
The Law Department.
The OSD to Minister for Energy, FES&T, Mines & Geology.
The PS to Chief Secretary to Government.
The PS to Special Chief Secretary to Govt., Energy dept.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER

Signed by Sudarsana Raju Chikile
Date: 20-07-2023 11:24:56
Reason: Approved